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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,054	06/24/2004	Migaku Suzuki	930055-2029	9171
<div>7590 Ronald R Santucci Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151</div>			<div>EXAMINER ANDERSON, CATHARINE L</div>	
			<div>ART UNIT 3761</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/30/2008</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,054

Applicant(s)

SUZUKI ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9 November 2007 have been fully considered but they are not persuasive.
2. In response to the applicant's argument that Wada fails to disclose a cross section of the trap portion having the absorbent body, it is noted that Wada shows in figure 3 a cross-sectional view of the trap portion, including the absorbent body.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an absorbent product continuously present in the longitudinal direction of the trap portion) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-17, 20-22, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Wada et al. (6,416,500).
6. Wada discloses an absorptive product comprising an absorptive body 3b, as shown in figure 1, and a liquid impermeable trap portion 1. The absorptive body 3b overlaps the trap portion, as shown in figure 1, and is held within a pocket S within the trap portion, as shown in figure 3. The trap portion 1 is formed of a backup sheet 2. A

cross-section of the trap portion 1 comprises the absorbent body 3b, as shown in figure 3.

7. With respect to claim 2, the trap portion 1 is formed of a liquid impermeable sheet, as disclosed in column 3, lines 24-25, which overlaps the absorptive body 3b, as shown in figure 1.

8. With respect to claim 3, the trap portion comprises two layers 2, as shown in figure 3, which are a backup sheet and an impermeable trap sheet, and further comprises an opening 4.

9. With respect to claims 4 and 5, the opening 4 extends in both the longitudinal and width directions of the absorptive body 3b, as shown in figure 8.

10. With respect to claim 6, the absorptive body 3b is located on either side of the opening 4, as shown in figure 1, and therefore straddles the opening.

11. With respect to claim 7, the absorptive body 3b has a continuous aperture 11, as shown in figure 5.

12. With respect to claim 8, the sheet 2 has a pair of flaps f3 and f4, as shown in figure 3, which form the trap portion.

13. With respect to claim 9, the trap portion 1, made up of sheets 2, is positioned on both of the width-directional sides of the absorptive body 3b, as shown in figure 3.

14. With respect to claim 10, a guiding member 9 provides a groove for guiding liquid to the absorptive body 3b, as shown in figure 3.

15. With respect to claim 11, the trap portion is formed from a liquid impermeable sheet 2, as disclosed in column 3, lines 24-25, and has a penis-guiding section 4.

16. With respect to claim 12-14 and 21, the trap portion comprises two layers 2, as shown in figure 3, which form an inner bag and an outer bag. The inner bag 2 has a folded portion 6 that can evaginate, as shown in figure 3.

17. With respect to claim 15, dislocation members 17 prevent the absorptive body 3b from dislocating, as shown in figure 3.

18. With respect to claim 16, a pair of elastic members 15 and 8 are provided in the right and left side edges of the sheet 2, as shown in figure 1.

19. With respect to claim 17, the absorptive body 3b has a non-woven substrate 3a and comprises multiple liquid-absorbing portions, as shown in figure 3.

20. With respect to claims 20 and 22, the methods disclosed merely claim the formation of the claimed invention. Therefore, the formation of the finished products disclosed by Wada fulfill the limitations of the claims.

21. With respect to claim 36, the pocket is formed of the backup and trap sheets 2 and a seal therebetween, as shown in figure 3.

Claim Rejections - 35 USC § 103

22. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

23. Claims 18-19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Kolb (4,415,643).

24. Wada discloses all aspects of the claimed invention with the exception of the absorbent body comprising 50-95% superabsorbent and having a hydrodisintegrative characteristic. Kolb teaches an absorbent body for an absorbent article comprising at

least 50% superabsorbent, as disclosed in column 2, lines 40-41, which allows the absorbent body to disintegrate in water so it may be flushed, as disclosed in column 1, lines 47-58. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent article of Wada with the absorbent body of Kolb to allow the article to be flushable.

25. Claims 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Cohen (5,649,913).

26. Wada discloses all aspects of the claimed invention with the exception of underpants to which the absorptive product is attached. Wada shows, in figure 6, the use of the absorptive product on a user wearing a garment. Cohen teaches the use of underpants to hold an absorptive product, as shown in figure 1. The underpants are provided with a fitting section for attachment of the absorptive product, and the opening of the absorptive product faces the inside of the underpants, as shown in figure 1. Use of the absorptive product with underpants allows the absorptive product to be securely held in place while it is worn. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorptive product of Wada in combination with the underpants of Cohen to allow allows the absorptive product to be securely held in place while it is worn.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMA
cla
January 28, 2008

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

